



JPW
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Valenzky, et al.
For : METHOD AND APPARATUS FOR
MAKING COMMERCIAL CRUSTLESS
SANDWICHES AND THE CRUSTLESS
SANDWICH MADE THEREBY
Our Docket : SMEE 2 13101-1-2

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450
on 10-17-04

Adeline Machado
(SIGNATURE)
Adeline Machado

Dear Sir:

In accordance with the disclosure requirements of 37 C.F.R. 1.97 and 37 C.F.R. 1.98, Applicant cites the references identified on the enclosed form PTO-1449.

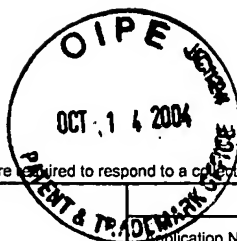
Copies of the listed patents are not submitted pursuant to 37 C.F.R. 1.98(d) since copies of the documents are believed to have been previously cited by or submitted to the Office in prior United States Application Serial No. 10/331,031 filed March 2, 2001, and/or United States Application Serial No. 09/797,553 filed December 27, 2002, which are relied upon for an earlier filing date under 35 U.S.C. §120, and/or is a United States patent. Copies of the listed articles are also not submitted since these articles are believed to have been previously submitted in one or more of the above identified patent applications.

Respectfully submitted,
FAY, SHARPE, FAGAN, MINNICH & McKEE

By: [Signature]
ROBERT V. VICKERS
Reg. No. 19,504
1100 Superior Avenue, 7th Floor
Cleveland, Ohio 44114-2579
Telephone: (216) 861-5582
Facsimile: (216) 241-1666

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

on 10-12-04



U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
Approved for use through 05/31/2003 OMB 0651-0031 PTO/SB/08A (05-03)

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Adeline Machado (SIGNATURE) Adeline Machado (Typed Name) 1449A/PTO		Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)		Application Number	10/803,240
		Filing Date	March 18, 2004
		First Named Inventor	Valenzky, et al.
		Art Unit	1761
		Examiner Name	Timothy F. Simone
Sheet 1 of 4	Attorney Docket Number	SMEE 2 13101-1-2	

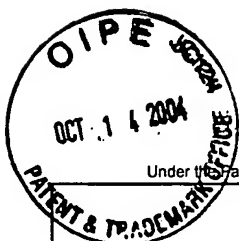
U. S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee of Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
		3,690,898	09-12-1972	PARTYKA	
		5,853,778	12-29-1998	MAYFIELD	
		4,382,768	05-10-1983	LIFSHITZ ET AL	
		3,769,035	10-30-1973	KLEINER ET AL	
		3,083,651	04-02-1963	COOPER	
		3,767,823	10-23-1973	WHEELER ET AL	
		3,862,344	01-21-1975	ZOBEL	
		2,765,755	07-12-1954	NAPOLILLO	
		3,111,914	11-26-1963	VIVIANO	
		3,095,832	07-02-1963	EVANS	
		3,182,611	05-11-1965	RUBENSTEIN	
		DES. 252,536	08-07-1979	GOGLANIAN	
		DES. 293,040	12-08-1987	GAGLIARDI	
		DES. 317,672	01-25-1991	PRESL	
		DES. 318,360	07-23-1991	SAM	
		5,500,234	03-19-1996	RUSSO	
		2,780,163	02-05-1957	LEE	
		3,044,883	07-17-1962	FERGUSON	
		5,567,454	10-22-1996	BOGDAN	
		4,608,918	09-02-1986	FUNABASHI	

FOREIGN PATENT DOCUMENTS								
Examiner Initials*	Cite No. ¹	Foreign Patent Document			Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ³
		Country Code ⁴	Number ⁴	Kind Code ⁵ (if known)				
		AU	A-40334/95		35,235	PERRINE		

Examiner Signature		Date Considered	
--------------------	--	-----------------	--

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹Applicant's unique citation designation number (optional). ²See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³Enter Office that issued the document, by the two-letter code (WIPO Standard ST. 3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16, if possible. ⁶Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Substitute for Form 1449A/PTO) (use as many sheets as necessary)		Complete if Known	
		Application Number	10/803,240
		Filing Date	March 18, 2004
		First Named Inventor	Valenzky, et al.
		Art Unit	1761
		Examiner Name	Timothy F. Simone
Sheet 2 of 4	Attorney Docket Number	SMEE 2 13101-1-2	

U. S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee of Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
		3,782,270	01-01-1974	SOLLERUD	
		4,814,195	03-21-1989	YOKOYAMA	
		4,288,378	09-08-1981	JAPIKSE	
		3,995,008	11-20-1976	SPIEGELBERG	
		4,000,322	12-28-1976	BILLERBECK	
		5,112,632	05-12-1992	MELI	
		5,240,734	08-31-1993	IZZO	
		5,387,149	02-07-1995	CAVEZA	
		5,433,970	07-18-1995	VILLAGRAN	
		5,508,057	04-16-1996	WONG	
		5,518,755	05-21-1996	WONG	
		5,693,357	12-02-1997	WONG	
		5,885,646	03-23-1999	WONG	
		5,942,275	08-24-1999	WONG	
		6,004,596	12/21/1999	KRETCHMAN	
		6,153,250	05-16-2000	WONG	
		6,153,250	11-28-2000	SCHUMACHER	
		6,312,754	11-06-2001	WONG	
		2,718,198	09-1995	BAYLEY	
		3,343,504	09-1967	HERMANN	

FOREIGN PATENT DOCUMENTS								
Examiner Initials*	Cite No. ¹	Foreign Patent Document			Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³	Number ⁴	Kind Code ⁵ (if known)				

Examiner Signature		Date Considered	
-----------------------	--	--------------------	--

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹Applicant's unique citation designation number (optional). ²See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³Enter Office that issued the document, by the two-letter code (WIPO Standard ST. 3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16, if possible. ⁶Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

(Substitute for Form 1449A/PTO) INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)				Complete if Known	
				Application Number	10/803,240
				Filing Date	March 18, 2004
				First Named Inventor	Valenzky, et al.
				Art Unit	1761
				Examiner Name	Timothy F. Simone
Sheet	4	of	4	Attorney Docket Number	SMEE 2 13101-1-2
NON PATENT LITERATURE DOCUMENTS					
Examiner Initials*	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, country, where published, source.			T ²
		LETTER DATED MAY 5, 2000.			
		SELECTED EXCERPTS FROM A BOOK <u>PASTA, PIES AND PASTERIES - TART RECIPES FROM AROUND THE WORLD</u> , AUTHORED BY URSULA KAISER. (published prior to 1996)			
		SELECTED EXCERPTS FROM <u>THE PAMPERED CHEF</u> , 1992.			
		A RECIPE AND INSTRUCTION BOOK ENTITLED <u>THE PAMPERED CHEF</u> , January 1996			
		COMPLAINT FILED BY ALBIE'S FOODS, INC. AGAINST MENUSAVER, INC., FILED ON JANUARY 11, 2001.			
		"50 GREAT SANDWICHES" CAROLE HANDSLIP, PP. 81-84, 86, 95, 1994.			
		EXCERPT FROM <u>THE WICHITA EAGLE</u> , CITY EDITION, LIVING SECTION, PAGE 1C, AUGUST 14, 1994.			
		EXCERPT FROM EDITORIAL BY E.S. BAUGHMAN, STATE-RECORD CO., COLUMBIA, SOUTH CAROLINA, 1991.			
		PAMPERED CHEF KITCHEN SHOWCASE BROCHURE, 2000			

Examiner Signature		Date Considered	
-----------------------	--	--------------------	--

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.
 *Applicant's unique citation designation number. ²Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450